

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WACO INVESTORS OF DULUTH, L.P.,	:	Case No. 3:09-cv-151
Plaintiff,	:	District Judge Thomas M. Rose
	:	Magistrate Judge Michael R. Merz
-vs-	:	
THARALDSON DEVELOPMENT CO.,	:	
INC.,	:	
	:	
Defendant and Third-Party	:	
Plaintiff,	:	
- vs -	:	
CENTRAL PLASTERING, INC., et al.,	:	
	:	
Third-Party Defendants.	:	

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #75), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED the Third-Party Plaintiff is entitled to default judgment for liability against each of the defaulting Third-Party Defendants on each of its claims for relief. The entry of judgment is hereby delayed until the Third-Party Plaintiff's damages are determined.

August 17, 2010

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge